

To His Grace, H E N R Y, Duke of Norfolk, Earl Marshal of England. Humbly Presented,

Great Sir,

Yester day, being the last of September, 1686. I Presented the following Brief to Sir Thomas, St. George Garter, King at Arms, and prayed Audience thereof; and he moderately directed me as he did once before, that was, and is to pray your Grace's Order to them, and then I should have Audience and speedy Justice, for which I Pray and Remain,

October the 1st. 1686.

Your Grace's most Humble Servant,

James Percy.

A short Account or Breviate of James Percy's Proceedings;

Who immediately after the Death of Josceline Percy, Eleventh Earl of Northumberland, put in his Claim: Now this is prepared for Council, to Argue at a Chapter to the obtaining a Confirmation of this following Descent and Pedigree.

WHEN Josceline Percy died, May 21st. 1670. James Percy then entered his Claim, to be the next Heir-Male of that Family.

1. The aforesaid James Percy applied himself to Sir Edward Walker, then King at Arms, first, by Letters from Ireland; secondly, in Person.

The King's Most Excellent Majesty, upon his Petition and Claim, was Graciously pleased to say, God forbid we should binder an Heir-Male, and then did refer the Matter to Sir Edward aforesaid, and Sir John Berkinhead, then Master of Request in Waiting; and they ordered the Claimant to bring his Council to them, who together advised him the said James to Claim under Sir Richard Percy, and said, If he was not the right, yet would it be a means to find out the right Great-Grandfather of the Claimant; and further directed him to Travel the Northern Circuit with the Judges, to find out Kindred.

2. At the Claimant's first appearance in England, he found that the Heralds Books had been borrowed, and that the Matches of the Percys had been rent out; which Wildernized the Claimant, that he could not then find out his Great-Grandfather, Sir Ingelram Percy, by reason the Matches were not only rent out, but Sir Ingelram Percy, (who was the true Father of those Children preserved in Hampires) his Name was also blotted out.

3. But since, at several Tryals, he hath proved himself to be the Son of Henry Percy of Horton, who was the Son of Henry Percy of Pavenham, who was the Son of Sir Ingelram Percy, who was the Son of Henry Percy, Fifth Earl of Northumberland; who was the Great-Great-Grandfather of James Percy, Claimant to the Earldom of Northumberland, with all the Honours Mannours, Preheminences, Priviledges, Percy's Fee, and Gaunt's Fee, which of right belong, and are annexed to the Title and Name of Percy, as by Records.

4. Now after above sixteen years Pains, Labour, and vast Costs of Suits at Law; and finding the Law will not Confirm Pedigrees, by reason it is the proper work of the Heralds, when the Court of Wards was in Power; and when an Heir-Male Claimed, he was sent forthwith to the Heralds Office; and when the Heralds had found out the Pedigree, then the Earl Marshal of England Confirmed his Pedigree, and sent the Claimant back to the Court of Wards, who by an Inquisition, Post Mortem, put the Heir-Male immediately into Possession.

1. The King left the Claimant to the Parliament.
2. The Parliament left the Cause to the Law.
3. The Law left the Confirmation of the Pedigree to the Heralds.
4. When the Heralds call a Chapter, and Confirm the Pedigree, they will then put a stop to the Claimant's further Complaint.

As King Charles the Second, the very day a month before he dy'd, and since King James the Second and Council have ordered the Cause to proceed to a speedy Issue; to gratifie the Law, Equity and Possibilities, it is necessary the Pedigree should be Confirmed first by a speedy Chapter, for which the Claimant earnestly Prays.

James Percy.

The Letter and Brief was returned by Mr. Negus, His Graces Secretary, with this short Answer; said he, *My Lord saith, he must have Directions from the Parliament, or from one of the Courts at Westminster-Hall.* Therefore I humbly pray your Grace to Command me before a Chapter, where my Council shall make it appear as followeth.

1. By King Charles the Second in Council.
2. By King James the Second in Council.
3. The four Courts have Directed, and will not presume to take upon them to Confirm Pedigrees, because it is the Heralds Property: Notwithstanding Books of Heraldry are no Records, yet Law and Equity requires the assistance of Pedigrees before they will Inquire. And the Cause is now before the Parliament, therefore the Pedigree ought to be Confirmed first, to fit them for an Inquiry or Inquisition Post Mortem.

